

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare department - East Godavari District -Revision Petition filed by Smt Katuri Seshayamma W/o Adinarayana Murthy R/o Samalkota (V&M) East Godavari District against the orders of the Additional Agent to Government & Project Officer, ITDA, Rampachodavaram in CMA No:10/2004, dt:22-10-2005- Rejected - Orders - Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.MS.No. 10:
Dated:01.02.2013

Read the
following:

- 1.Revision Petition filed by Smt Katuri Seshayamma, W/o Adinarayana Murthy, R/o Samalkota (V&M), East Godavari District dt.5.10.2005.
- 2.Govt.Memo.No.9317/LTR-2/2005-1, dt.12.12.2005.
- 3.From the Project Officer, I.T.D.A., Rampachodavaram, East Godavari District.
- 4.Govt.Lr.No.9317/LTR-2/2005,dt. 18.03.08, 17.06.08, 19.07.08, 06.03.10, 10.06.10, 18.04.12, &20.10.2012

ORDER:

Smt Katuri Seshayamma W/o Adinarayana Murthy R/o Samalkota (V&M) East Godavari District in the reference 1st read above, has filed the Revision Petition against the orders of the Additional Agent to Government & PO ITDA, Rampachodavaram in CMA No:10/2004, dt:22-10-2005, wherein he has set aside the orders of the Special Deputy Collector (TW) Rampachodavaram in LTRP No.308/2002, dt.26.09.2003 in respect of the land Acs.8.00 in Sy.Nos. 80/1, 80/2 and Acs.8.32 in Sy.Nos.80/1, 80/2 of Gondulu village, Addateegala (M) East Godavari District and directed for restoration of the Petition Scheduled land to Government. The Petitioner in the Revision Petition mainly contended, among others that -

- i) The Lower Court i.e. Special Deputy Collector (TW) declared that the Indugupathi family belongs to Madiga - Scheduled Caste and the father of the Petitioner purchased the extent of land of Acres 19.20 cts in sy.No.80/1, 80/2, 70/2, & 70/3 under sale deed dt:10-3-1949 from Sri. Adimulam Rama Swamy, S/o Bapanayya and devolved to the katuri Seshayamma by virtue of Will on 11-3-1972, by settlement of his entire property among his family members.,
- ii) The Special Deputy Collector (TW) had passed orders erroneously concluding that Madiga are Hill-Tribes and the transfer of Acres 8.00 in Sy.No.80/1, 80/2 is against the provisions of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959, and

- iii) her father purchased the Scheduled land from another Non-Tribal before the LTR, 1/59 and 1/70 Regulations and under enjoyment of the land and paid Land Revenue to Government, and hence there is no instructions of the tribal at any time.

(P.T.O)

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2. In the reference 2nd read above, the Additional Agent to Government and Project Officer, ITDA, Rampachodavaram, East Godavari District was requested to furnish parawise remarks and connected records.

3. The Additional Agent to Government and Project Officer, ITDA, Rampachodavaram, East Godavari District has furnished parawise remarks and connected records vide reference 3rd read above.

4. The Revision Petition has been posted for hearing on 27-3-2008, 30-6-2008, 4-8-2008 and 19-3-2010, 24-6-2010, 1-5-2012, 10-7-2012 and finally on 29.10.2012. The same has been informed to the Revision Petitioner and Respondents requested them to attend the above meetings with all documentary evidences in the reference 4th read above. On 29-10-2012 the Counsel for the Revision Petitioner was present and filed written arguments. The Representatives of the Respondents were also present.

5. Government have examined the records and orders of the Additional Agent to Government and Project Officer, ITDA, Rampachodavaram in CMA No.10/2004, dated 22-10-2005 and Written Arguments submitted by the Revision Petitioner. On perusal of the connected records and parawise remarks submitted by the Addl. Agent to Government it is observed that the Petition Scheduled land mortgaged by Indupalli Gangulu in favour of Adimlam Ramaswamy, who is a non-tribal for an amount of Rs.25/- and no permission obtained for the transaction. Adimulam Ramaswamy again sold the said land to Chiliki Krishna Murthy, who is another non-tribal through a registered sale deed dt:18-3-1949. Chiliki Krishna Murthy has given these lands to his daughter. Katuru Seshayamma, by way of succession through Registered will No: 7 of 1972 dt:11-3-1972. The transaction of immovable property in the Schedule area by a Hill tribe to non-tribal after 14-8-1917 without prior permission of the prescribed authority is null and void under section 4 (1) of Act I of 1917. The transaction in between Indugupalli Gangulu, a Hill tribe and Adimulam Ramaswamy a non-tribal was in contravention of Section 4 (1) of Act, 1917 and it is null and void. As the first transaction is null and void, all subsequent transactions will also become null and void. The plaintiff's father, who is a non-tribal acquiring the P.S land in Schedule area in contravention of section 4 (1) of Act, 1917.

6. The Special Deputy Collector (TW) passed orders to restore the lands in S.No:80/1 and 80/2 to Indugupalli Vimalamma and Indugupalli Gangaraju, who are the defendants in the present suit as these lands stands registered in the name of Indugupalli Gangulu, the father-in-law of Indugupalli Vimalamma in 1932 Resettlement. Katuri Adinarayana husband of the (Katuri seshayamma) preferred an

appeal in CMA 2/88 against the orders of the Special Deputy Collector (TW) and the Agent to Government, in his order dt:25-4-1988 dismissed the appeal observing that there is no valid reason to interfere with the orders passed by the lower court.

7. The Revision Petitioner approached the High Court of Andhra Pradesh in W.P No.2444/2005 against the orders of the Additional Agent to Government in CMA No:10/2004, dt:22-10-2005 and the High Court of Andhra Pradesh in its order dated: 26-11-2005, has granted stay of the said orders of Additional Agent to Government, pending disposal of the Revision Petition filed before the Government.

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8. Government further observed that in the Revision Petition/Written Arguments the Revision Petitioner has contended the same contents which were filed before the lower courts. On perusal of records, it appears that no fresh grounds have been adduced by the Appellant and it found that the Additional Agent to Government, Rampachodavaram, East Godavari District, while the Additional Agent to Government, Rampachodavaram, East Godavari District, while analyzing the entire matter including the orders of the lower Courts, among others has pointed out that no Tribal interest is involved in this case, since both the parties belong to non-tribe and that the Appellant has come into possession of the Petition Scheduled land after 11.03.1972 ie., after Land Transfer Regulation came into force.

9. Government after careful examination of the Revision Petition and the facts stated supra with reference to the documentary evidences of the case and having considered the arguments of the either side hereby ordered to uphold the orders of the Additional Agent to Government and Project Officer, ITDA, Rampachodavaram, East Govadavari District for restoration of the Petition Scheduled land to Government for onward allotment to the eligible Tribes and Rejected the appeal petition filed by Smt Katuri Seshayamma W/o Adinarayana Murthy R/o Samalkota (V&M) East Godavari District.

10. The Additional Agent to Government Project Officer, ITDA, Rampachodavaram, East Govadavari District is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records which are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA RADESH)

Dr .A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT
(TW)

To:

The Additional Agent to Government & Project Officer, ITDA
Rampachodavaram, East Godavari District with RPAD of the following records.

(Case file CMA No.10/2004).

The Special Deputy Collector (TW), Rampachodavaram, East Godavari District.

Sri K.Satya Prasad, Advocate, Rampachodavaram, East Godavari District.
Smt Katuri Seshayamma W/o Adinarayana Murthy R/o Samalkota (V&M) East Godavari District
The P.S to Minister (TW) for information/the P.S to Principal Secretary to Government (TW).
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER